

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Staiger, Gayle and Staiger, John

(b) County of Residence of First Listed Plaintiff Butler County, Ohio
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Snoke Dubbs and Buhite Law, Inc.
204 St. Charles Way, Suite F
York, PA 17402**DEFENDANTS**

Weis Markets, Inc., Individually and d/b/a Weis Markets

County of Residence of First Listed Defendant Northumberland
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|---|---|---|---|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC §81 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HLA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 US Code 1332Brief description of cause:
Fall down case at Weis Markets**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
\$75,000CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

August 9, 2021

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT = AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|--|--|---|
| <hr style="border: 0.5px solid black; margin-bottom: 5px;"/> GAYLE STAIGER and JOHN STAIGER, PLAINTIFFS v. WEIS MARKETS, INC. Individually and d/b/a WEIS MARKETS, DEFENDANT. <hr style="border: 0.5px solid black; margin-top: 5px;"/> | : : : : : : : : : : | Civil Action No. JURY TRIAL DEMANDED |
|--|--|---|

COMPLAINT

1. Plaintiff, Gayle Staiger, is an adult individual currently residing at 6410 Wilderness Trail, West Chester, Ohio.

2. Defendant, Weis Markets, Inc., is a Pennsylvania Corporation with headquarters located at 1000 S. 2nd Street, Sunbury, Pennsylvania.

3. At all times relevant hereto, Defendant Weis Markets Inc., owned and operated a convenience store (hereinafter Store), located at 2600 Willow Street Pike, Willow Street, Pennsylvania 17584.

4. At all relevant times, Defendant Weis Markets, Inc., acted through its agents, workers and/or employees, all of whom were working in the course and scope of their agency relationship with Defendant Weis Markets, Inc. This Court has jurisdiction pursuant to 28 U.S. Code 1332.

5. At all relevant times, Defendant Weis Markets, Inc., had a duty to maintain the Store in a safe condition for all persons entering upon the premises.

6. At all relevant times, Defendant Weis Markets, Inc, had a duty to warn of dangerous conditions on the Store premises.

7. At all relevant times, Defendant Weis Markets, Inc., had a duty to correct dangerous conditions on the Store premises.

8. At all relevant times, Defendant Weis Markets, Inc., knew or should have known of the dangerous conditions of the Store premises.

9. On or about the morning of August 9, 2019, Plaintiff, Gayle Staiger, was a business invitee at the Weis Markets. located at 2600 Willow Street Pike, Willow Street, Lancaster County, Pennsylvania 17584.

10. As Ms. Staiger was in the water aisle heading toward the checkout area she fell.

11. As she had no medical condition, Ms. Staiger believes and avers that there must have been a substance in the aisle which caused her fall.

12. Another patron located Ms. Staiger on the floor bleeding from her head and disoriented.

13. The store manager was notified.

14. Emergency Medical Services arrived on scene and transported Ms. Staiger to Lancaster General Hospital.

15. At all relevant times Defendant had a duty to maintain safe aisle ways.

16. As a direct and proximate result of the negligence of Defendant, Plaintiff suffered:

- (a) left frontal scalp laceration;
- (b) subarachnoid hemorrhage of left sylvian fissure;
- (c) left shoulder pain and injury, all of which may be permanent in nature, all of which have caused her great pain and suffering, to her loss and detriment.

17. As a further result of the negligence and carelessness of Defendant, Plaintiff suffered and continues to suffer physical, mental, and emotional pain, discomfort, frustration, loss of life's pleasures, and the ability to attend to her usual and daily activities and will continue to suffer same for an indefinite time into the future, all to her great loss and detriment.

18. As a further result of the negligence and carelessness of Defendant, Plaintiff has been obligated to seek medical treatment for her injuries, including but not limited to medication, physical therapy and potentially surgery.

19. As a further result of the negligence and carelessness of Defendant, Plaintiff has incurred medical expenses in the past, and will continue to incur medical expenses in the future.

20. As a further result of the negligence and carelessness of Defendant, Plaintiff has been caused to incur other expenses.

21. As a further result of the negligence and carelessness of Defendant, Plaintiff has suffered scarring and disfigurement.

22. Plaintiff's injuries and damages were in no part due to any act or failure to act on the part of Plaintiff.

COUNT I

PLAINTIFF, GAYLE STAIGER v. WEIS MARKETS, INC.

23. Plaintiff incorporates herein by reference each and every averment contained in Paragraphs 1 through 22 as though the same were set forth fully herein at length.

24. The negligence and carelessness of Defendant consisted of the following:

- a. Failing to adequately notify customers of potential hazards in the water aisle;
- b. Failing to timely and adequately inspect the premises for dangerous conditions;
- c. Failing to have and/or enforce adequate policies, procedures and guidelines regarding inspection of the premises;
- d. Failing to have and/or enforce adequate policies, procedures and guidelines regarding timely discovery of dangerous conditions;
- e. Failing to have and/or enforce adequate policies, procedures and guidelines regarding supervision of employees;

f. Failing to have and/or enforce adequate policies, procedures and guidelines to warn patrons of dangerous conditions;

g. Failing to properly manage and train its employees regarding inspection of its premises, preventing dangerous conditions, and fixing dangerous conditions; and

h. Failing to employ competent employees.

25. As a direct result of the negligence of Defendant, as set forth above, Plaintiff suffered the serious and painful injuries referenced above.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory damages in an amount in excess of \$75,000.00 plus interest and costs of suit.

Count II

LOSS OF CONSORTIUM - PLAINTIFF, JOHN STAIGER v. WEIS MARKETS, INC

26. Paragraphs one (1) through twenty-five (25) of Plaintiffs' Complaint are incorporated herein by reference thereto.

27. By reason of the injuries to Plaintiff Gayle Staiger as set forth within this Complaint resulting from Defendant Weis Markets, Inc., negligence as set forth herein, Plaintiff John Staiger was deprived of and in the future may be deprived of the aide, society, care, comfort and companionship of his wife to which he was entitled and would have received, but for the negligence of Defendant Weis Markets, Inc. for all of which damages are claimed.

WHEREFORE, Plaintiff John Staiger demands judgment against Defendant Albright in an amount in excess of seventy-five thousand dollars (\$75,000.00), together with interest and costs thereon as allowed by law.

Respectfully submitted,

SNOKE DUBBS & BUHITE LAW, INC.

Date: 8/9/2021

By:



Amanda Snoke Dubbs, Esq.
PA Supreme Court ID: 202254
Sarah E. Buhite
PA Supreme Court ID: 201415
Attorney for Plaintiffs
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York, PA 17402
Telephone: (717)430-6730
amanda@sdblawgroup.com
sarah@sdblawgroup.com

VERIFICATION

I, Gayle Staiger, declare as follows:

1. I have personal knowledge of the facts set forth in the foregoing complaint, and if called upon to testify I would competently testify as to the matters stated herein.
2. I verify under penalty of perjury under the laws of the United States of America that the factual statements in this Complaint are true and correct.

Executed on August 7th, 2021

Gayle Staiger
Gayle Staiger

VERIFICATION

I, John Staiger, declare as follows:

1. I have personal knowledge of the facts set forth in the foregoing complaint, and if called upon to testify I would competently testify as to the matters stated herein.
2. I verify under penalty of perjury under the laws of the United States of America that the factual statements in this Complaint are true and correct.

Executed on August 24, 2021



John Staiger